

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Erstwhile Warangal District – Issue of Local Scheduled Tribe Agency Area Certificates – Cancellation of Local Scheduled Tribe Agency Area Certificate by the District Collector, Warangal District vide Proc.No.C5/3342/2010-12, dated 26.02.2011 - Appeal filed by Sri Bhukya Sambaiah, S/o.Sammiah, R/o.Moddulagudem Village under Medarmula Revenue village, Pasra Gram Panchayat of Govindraopet Mandal, Mugulu District - Appeal Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.45

Dated:03.10.2023.

Read the following:-

- 1.Proceedings No.C5/3342/2010-12, dated 26.02.2011 O/o. The District Collector, Warangal.
- 2.Appeal petition filed by Sri Bhukya Sambaiah, S/o.Sammiah, R/o.Moddulagudem Village under Medarmula Revenue village, Pasra Nagaram Gram Panchayat of Govindraopet Mandal, Mugulu District, dated .06.2023.
- 3.Govt.Memo.No.742/TW.LTR/2023-1,2&3, dated 15.07.2023 and 27.07.2023, 14.08.2023.
- 4.Govt.Notice No.742/TW.LTR/2023, dated 15.07.2023, 27.07.2023 and 14.08.2023.
- 5.From the Deputy Director (TW), ITDA, Eturunagaram, Lr.Rc.No.TWE1 /2444/2023, dated 26.08.2023.

ORDER:-

In the reference 1st read above, the District Collector, Warangal District has cancelled the Local Scheduled Tribe Agency Area Certificate bearing Rc.No.D/1064/2002, dated 27.05.2002 of Sri Bhukya Sambaiah, S/o.Sammiah, R/o.Moddulagudem (Medarmula) H/o. Rampur Village Govindraopet Mandal, Erstwhile Warangal District for the following reasons:

- The Tahsildar, Govindaraopet in his report in Lr.No.B/2404/2009-13, dated 15.09.2010 stated that the Agency Certificate bearing Rc.No.D/1064/2002, dated 27.5.2002 was issued to Sri Bhukya Sambaiah S/o Sammaiah R/o Medaramula (v), Govindaraopet Mandal. As per the instructions of the District Collector, Warangal when enquired about its genuineness, Sri Bhukya Sambaiah and his parents are residing in Medarmula village from the year 1962 onwards only and hence, recommended for cancellation of his Agency Certificate.
- On receipt of the above report of Tahsildar, Govindaraopet, the matter was placed before the DLSC wherein the candidate attended on 28.9.2010 and submitted his explanation.
- When referred, the Revenue Divisional Officer, Mulugu had also conducted enquiry and submitted report in Lr.No.K/1562/2010-12, dt.12.11.2010 stating that the individual had attended his office on 22.10.2010 and deposed that his ancestors lived in Medarmula village for the last 60 years as revealed in the petition submitted to the Collector, Warangal. He submitted Gram Panchayat , Pasra Receipt No.91, dated 18.11.1964, land purchased stamp paper dated 17.04.1968, Gram Panchayat, Pasra house tax receipt No.52, dated 8.12.1982 for house No.1/29, Gram Panchayat resolution dated 27.8.2010, voter list for the year 1970 and 1993 – from these, it was confirmed that his forefathers lived in Medarmula village from 1964 onwards.
- The Revenue Divisional Officer, Mulugu had also conducted local enquiry on 11.11.2010 and recorded depositions of elders 1) Rasaputhra Sammaiah S/o Hanumanthu R/o Moddulagudem, aged: 72 years, caste:

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Lambada, occupation: agriculture and 2) Vasam Sammaiah S/o Muthaiah, aged: 57 years R/o Moddulagudem (Old Medaramula) H/o Rampur village, occupation: Sarpanch, Caste: Koya stated that the Medarmula village was existed prior to 1948 and deserted at the time of Razakars movement in the year 1948. There were about (8) huts of Koyas and (3) huts of Lambadas found in the year 1956. They might be erected around 1953-54. The individual's grandfather Bhukya Baddu had migrated from Relakunta village of Narsampet Taluka (now in Nallabelly Mandal) to Moddulagudem (deserted village of Medaramula) H/o Rampur village and Pasra Gram Panchayat area for Podu agriculture in forest during 1955-57 and constructed their huts. Hence, concluded that the individual parents/ancestors residing in Moddulagudem, a deserted old village of Medaramula around 1957 for eking out their livelihood by way of Podu.

- As seen from the Census of India, 1951, Hyderabad State, District Census, Warangal District Part-II issued by the Bureau of Economics and Statistics, Finance Department, Government of Hyderabad, the village Medaramula was a deserted one and there were no houses shown in the statistics against the name of the village. Therefore, in view of the 1951 Census data and local enquiry conducted, it was evident that the individual parents and their fore-fathers have not resided since 26.1.1950 to till date continuously as required in terms of GO Ms.No.3, dt.10.1.2000 and found that they resided in Gandhinagar near old Medaramula village since 1956 only. Thus, the Revenue Divisional Officer, Mulugu had observed that the local ST certificate No.D/1604/2002, dated 27.05.2002 issued to Sri Bhukya Sambaiah S/o Sammaiah R/o Moddulagudem (Medaramula) H/o Rampur village.
- In view of the report of Tahsildar, Govindaraopet, Revenue Divisional Officer, Mulugu and recommendation of DLSC and also after examining documents of individual produced, it was concluded that Sri Bhukya Sambaiah S/o Sammaiah R/o Moddulagudem (Medaramula) H/o Rampur (v) had failed to produce any documentary evidence to confirm his residence in the agency area of Warangal District continuously from 26.01.1950 as per GO Ms.No.3, Social Welfare (TW.Edn.II) Department dated 10.1.2000.

2. Aggrieved by the above cancellation orders of the District Collector, Warangal vide reference 2nd read above, the appellant Sri Bhukya Sambaiah, S/o.Sammiah, R/o.Moddulagudem Village under Medarmula Revenue village, Pasra Gram Panchayat of Govindraopet Mandal, Mulugu District has filed the present Appeal before the Government under GO Ms.No.24, Tribal Welfare (LTR) Department, dated 12.6.2018.stating that:

- i) He belongs to ST Lambada community and native of Moddulaguda village under Medarmula Revenue and Agency Village in Govindaraopet Mandal of the erstwhile Warangal District by birth and his ancestors also lived continuously in the said agency village from 1950. The village Medarmula is a notified agency village as per the Presidential Order, 1950. Thus, he is the local Scheduled Tribe of Medaermula agency village in the present Mulugu District. Therefore, the Tahsildar, Govindaraopet after causing discrete enquiries about his local ST status has issued him the Agency Area Local ST Certificate bearing No.D/1064/2002, dated 27.5.2002.
- ii) He has been provisionally selected to the post of Secondary Grade Teacher (SGT) in DSC 2008 vide Hall Ticket No.21200108076. During verification of genuineness of his Local ST Certificate, in spite of submitting all relevant documentary evidences, the District Collector, Warangal, had issued orders in Procs.No.C5/3342/2010-12, dated 26.02.2011 cancelling his local ST Certificate No.D/1064/2002, dated 27.5.2002 issued by the Tahsildar, Govindaraopet.

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- iii) Since Government have issued orders in GO Ms.No.24, TW (LTR) Department, dated 12.6.2018 prescribing detailed procedure for cancellation of Local ST Certificates and filing of Appeals against such cancellations, he has submitted the present Appeal before the Government.
- iv) The Appellant and his forefathers have been continuously living in Moddulagudem village of Medarmula agency village in Govindaraopet Mandal from 1950 to till date and the findings of the District Collector, Warangal, were based on the report of the Revenue Divisional Officer, Mulugu are not true as the village elders who belong to Koya community have developed grudge and animosity on Lambada community people and intentionally gave wrong depositions.
- v) From the findings of the District Collector, Warangal that as per the Census of India, 1951, the village Medaramula was deserted and no houses were shown in the Statistics and also stated that "it is evident that the individual parents and their forefathers have not resided since 26.1.1950 to till date continuously as required in terms of GO Ms No.3, SW Dept. dt.10.1.2000 and found that they resided in Gandhinagar near old Medaramula village since 1956 only". The Appellant submitted that Gandhinagar is a hamlet of Medaramula agency village and adjoining habitation to Medarmula village. When it was deserted, his forefathers might have migrated to Gandhinagar hamlet village of Medarmula agency village wherein their residence was recorded as living from 1956. Thus, it is evident that their families have been living in Medarmula agency village/and its hamlets since 1950. The authority instead of declaring his local ST Certificate as genuine but passed erroneous orders basing on the report of Revenue Divisional Officer, Mulugu with depositions of Koya community people. The Appellant further stated that in the deposition of Rasaputhra Sammaiah S/o Hanumanthu R/o Moddulagudem, aged: 72 years – his caste was mentioned as Lambada – but no such Lambada people exist with the surname "Rasaputhra" – therefore, the Appellant requested to take this point into consideration while deciding the Appeal as the report of RDO Mulugu is not a factual one.

3. In support of his claim that he belongs to the agency area local Scheduled Tribe of Moddulagudem under Medaramula agency village, the Appellant Sri Bhukya Sambaiah, S/o.Sammiah has submitted the following documents:

- i) Certificates of educational qualifications from 1st class to Graduation in BA, B.Ed. and Post-Graduation in M.A.
- ii) Orthopaedically Handicapped Certificate issued by Chairman, Regional Medical Board for Physically Handicapped, Warangal wherein his native village was recorded as Moddulagudem and percentage of disability as 50%.
- iii) Certificate for Person with Disability bearing ID No.21273470100302008, dated 23.01.2011 issued by the Chairman, Medical Board, Community Health Centre, Wardhannapet – percentage of disability is 75%.
- iv) Community, Nativity and Date of Birth Certificate issued by Mandal Revenue Officer, Govindaraopet – wherein it was certified that the Appellant belongs to Lambada ST Sl.No.29 community, his village is Moddulagudem and Date of Birth is 06.07.1981.
- v) Community and Date of Birth Certificate bearing No.TS00BB 57416400, dt.27.02.2017 issued by Tahsildar, Govindaraopet – wherein it was certified that he belong to Lambadis-28 (ST) and date of Birth is 6.7.1981.

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- vi) Local Scheduled Tribe Certificate bearing Rc.No.D/1064/2002, dt.27.5.2002 issued by Mandal Revenue Officer, Govindaropet, wherein it was certified that he belongs to Scheduled Tribe community and his parents have been continuously living in Medarmola village since 1950 in Govindaraopet Mandal in Warangal District which falls within the Scheduled Area (Part B States) Order, 1950.
- vii) Family Tree as recorded by Tahsildar, Govindaraopet Mandal, Mulugu District:
- Bhukya Mamuriya is great grandfather. He has three sons viz., Jaggu (great grandfather of appellant), Ramachandru and Bhangya.
- BhukyaJ aggu (great grandfather) has only one son namely Bhukya Badhya (grandfather of appellant)
- Bhukya Badhya (grandfather of appellant) has seven sons namely 1) Sammaiah (father of appellant) 2) Samya 3) Sampath 4) Ramu 5) Lakshman 6) Kishan and 7) Vijay.
- Bhukya Sammaiah (father of appellant) has two sons namely 1) BhukyaSrinu and 2) Bhukya Sambaiah (appellant herein).
- vii) Pahani 1954-55 – Chalvai village – Govindaraopet Mandal – wherein name of appellant's great grandfather viz., Bhukya Mamuriya was recorded an extent of acs.1.20 gts. The village Chalvai is situated at a distance of 8 KMs from Moddulgudem village where the appellant and parents have been living continuously and ancestors also lived.
- viii) Gram Panchayat, Pasra village, Taluq: Mulug Receipt No.91, dt.10.11.1964 for an amount of Re.1.00 towards Rahadari.
- ix) Pahani 1964-65 – Medaramula village – Mulugu Taluq – Warangal District – name of appellant's grandfather Badhya was recorded for an extent of acs.1.00.
- x) Pahani 1989-90 – Karlapalli village – Govindaraopet Mandal – name of appellant's father Bhukya Sammaiah was recorded for an extent of acs.2.58 cents. The village Karlapalli is situated at a distance of 3 KMs from Moddulgudem village (and it is also post office for Moddulgudem) where the appellant and his parents have been living and ancestors also lived.
- xi) Pattedar Pass Book No.T24050110505 under Khata No.740 issued to the Appellant by Tahsildar, Govindaraopet for the extent of acs.1.20 gts in Sy.91/140 in Karlapalli village.
- xii) Voter list for the year 1970 of 267 Mulug Assembly Constituency – wherein names of appellant's grandparents' viz., Bhukya Badhya and Chukki were enrolled at Sl.Nos.13 and 14 under H.No.9.
- xiii) Election Photo Identity Card No.AP/39/273/348166, dt.15.12.1995 – issued to appellant's grandmother Bhukya Chukkamma W/o Baddu R/o H.No.7-1, Rampur, Gandhinagar – issued by Electoral Registration Officer, Mulugu (ST) Assembly Constituency.
- xiv) Aadhar Card No.3684 5218 9646 issued by UIDAI Govt. of India to appellant's grandmother Bhukya Chukkamma R/o H.No.7-1, Gandhinagar.
- xv) Election Photo Identity Card No.AP/39/273/351162 – issued to appellant's father Bhukya Sammaiah S/o Bhaddu on 15.12.1995 by Electoral Registration Officer, Mulugu (ST) Assembly Constituency wherein village was recorded as H.No.6-52, Moddulgudem.

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- xvi) Election Photo Identity Card No.AP/39/273/351212 – issued to appellant's mother Bhukya Sammakka W/o Sammaiah on 15.12.1995 by Electoral Registration Officer, Mulugu (ST) Assembly Constituency wherein village was recorded as H.No.6-52, Moddulagudem.
- xvii) Aadhar Card No.2749 4536 8080 issued by UIDAI Govt. of India to appellant's father Bhukya Sammaiah S/o BhukyaBadya wherein residence was recorded H.No.6-45, Moddulagudem village, Medarmula, Govindaraopet, Karlapalli, Warangal Dist. 506347.
- xviii) Aadhar Card No.4657 1333 4606 issued by UIDAI Govt. of India to appellant's mother Bhukya Sammakka wherein residence was recorded as H.No.6-45, Moddulagudem village, Medarmula, Govindaraopet, Karlapalli, Warangal Dist. 506347.
- xix) White Ration Card issued by Dy.Tahsildar, Govindaraopet to appellant's mother Bhukya Sammakka - family members are Sammaiah (father), Srinu (appellant's brother) and Sambaiah (appellant) – address was recorded as H.No.6-45, Moddulagudem under Rampur revenue village.
- xx) Latest Election Photo Identity Card No.URH0968182, date: 05.03.2014 – issued by Electoral Registration Officer, 109 Mulugu (ST) Assembly Constituency – wherein appellant's village was recorded as H.No. 2-24/4-1, Pasara Nagaram, Warangal 506 347.
- xxi) Moddulagudem PESA Gram Sabha Resolution dated 03.6.2023 – wherein it was resolved that appellant's family have been continuously living in Moddulagudem village from before 1950.
- xxii) Gram Panchayat, Pasara Resolution dated 3.6.2023 – wherein it was resolved that appellant's family have been continuously living in Moddulagudem village under Medaramola agency village.

4. In the Appeal, the Appellant has pleaded that he is the local Scheduled Tribe of Moddulagudem village under Medarmola agency village in Govindaraopet Mandal of Mulugu District. Therefore, prayed the Government to allow his Appeal in the interests of justice.

5. In the reference 3rd read above, Government have admitted the above Appeal and requested the District Collector, Warangal District, the Project Officer, ITDA, Eturnagaram, Mulugu District and Tahsildar, Govindaraopet Mandal to submit connected records documents pertaining to the case along with para-wise remarks.

6. In the reference 4th read above, Notice was issued to the Appellant to attend for hearing on 26.08.2023 at 3.00 PM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant Sri Bhukya Sambaiah, S/o.Sammiah has present. The Deputy Director (TW), ITDA, Eturnagaram and the Tahsildar, Govindaraopet Mandal were present. Deputy Director (TW), ITDA, Eturnagaram has submitted copies of documents related to the present appeal in the reference 5th read above, and the Tahsildar, Govindaraopet Mandal has also submitted the certain copies of documents.

7. Findings:

- The District Collector, Warangal has cancelled Local ST Certificate of the Appellant basing on the reports of Tahsildar, Govindaraopet and Revenue Divisional Officer, Mulugu that the ancestors of the appellant lived in Medarmula agency village from 1962 and 1964 respectively.
- The reports of the Tahsildar and Revenue Divisional Officer, Mulugu were based on depositions of two village elders and copies of documents produced by the Appellant at that time. It is in the same report of the Revenue Divisional Officer, Mulugu which was mentioned in the cancellation proceedings of the District Collector, Mulugu that the village Medarmula village was deserted in the year 1948 during

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Razakar movement and also that there were about (8) huts of Koyas and (3) huts of Lambadas found in the year 1956 which might have been erected around 1953-54, is only a presumption.

- It was also stated in the said report that grandfather of appellant Bhukya Baddu had migrated from Relakunta village of Narsampet Taluka (now in Nallabelly Mandal) to Moddulagudem (deserted village of Medaramula H/o Rampur village and Pasra Gram Panchayat) area for Podu agriculture in the forest during 1955-57 and constructed their huts and concluded that the individual's parents/ancestors residing in Moddulagudem, a deserted old village of Medaramula around 1957 for eking out their livelihood by way of Podu.
- These findings are contradicting with each other as the Tahsildar, Narsampet in his report stated that the family of appellant lived in the village only from 1962 onwards, the Revenue Divisional Officer, Mulugu reported from 1964 onwards while stating there were huts of (3) Lambadas in the deserted village and grandfather of appellant migrated from Relakunta village of Narsampet Taluq for Podu agriculture during 1955-57 and constructed huts.
- These findings have no documentary evidences except statements of two villagers of which one does not belong to Lambada community because there is no Rasaputhra surname in the Lambada community and the other statement was made by one Koya community elder which the Appellant is opposing as the said statement was given intentionally against Lambada community people.
- Further, in support of his claim, the Appellant has submitted documentary evidences i.e. Khasra Pahani 1954-55 i.e. the earliest possible documentary evidence which the appellant could able to produce and supported by the Resolutions dated 3.6.2023 made in the Moddulagudem PESA Gram Sabha and Gram Panchayat, Pasra.

8. On perusal of the documentary evidences submitted by the Appellant and documents made available by the Deputy Director (TW), ITDA, Eturungaram and the Tahsildar, Govindaraopet Mandal during hearing on 26.08.2023 and in view of the above findings, it is found that the Appellant and his forefathers have been continuously living in Moddulagudem H/o Medarmula agency village in Govindaraopet Mandal of the present Mulugu District (erstwhile Warangal District) from 1950 onwards.

9. Government after careful examination of the matter, hereby allow the Appeal filed by Sri Bhukya Sambaiah, S/o.Sammiah, R/o.Moddulagudem Village under Medarmula Revenue village, Pasra Gram Panchayat of Govindraopet Mandal, Mugulu District, treating the Appellant as Agency Area Local Scheduled Tribe of Medarmula agency village in Govindaraopet Mandal of the present Mulugu District (erstwhile Warangal District) and his Local Scheduled Tribe Certificate bearing Rc.No.D/1064/2002, dated 27.5.2002 issued by the Tahsildar, Govindaraopet as genuine, duly setting aside orders of the District Collector, Warangal in Proceedings No.C5/3342/2010-12, dated 26.02.2011.

10. The Collector and District Magistrate, Mulugu District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To
The Collector and District Magistrate, Mulugu District (By RPAD)

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Sri Bhukya Sambaiah, S/o.Sammiah, R/o.H.No.6-45,
Moddulgudem (Medarmola) Village, Karlapalli (Post),
Govindraopet Mandal, Mugulu District -506347 (By RPAD)

Copy to:-

The Collector and District Magistrate, Warangal District (By RPAD)

The Commissioner and Director of School Education,
Telangana State, Hyderabad.

The District Educational Officer, Mulugu District.

The District Educational Officer, Warangal District.

The Project Officer, ITDA, Eturnagaram, Mulugu District

The Deputy Director, ITDA, Eturnagaram, Mulugu District

The Tahsildar, Govindraopet Mandal, Mugulu District.

The P.S. to Hon'ble Minister for ST Welfare.

The PA to Secretary (TW).

The PA to Special Secretary (TW).

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//FORWARDED::BY ORDER//

SECTION OFFICER.